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Chief Executive Officer

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April 17, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Executive Summary

This memorandum provides information on the following:

- **Pursuit of County Position to Support AB 643 (Stone).** This measure would make various changes to pupil record provisions under State law to conform to Federal law pursuant to **County-supported S. 3472**, the Uninterrupted Scholars Act of 2013, which provides child welfare agencies access to school records of children under their supervision. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals that would provide child welfare agencies with access to educational records on children whom they are serving, **the Sacramento advocates will support AB 643.**
- **Status of County-Advocacy Legislation:**
 - **County-supported AB 406 (Torres and Bloom)** - related to child abuse reporting teams passed the Assembly Floor on April 11, 2013.
- **Legislation of County Interest:**
 - **SB 738 (Yee)** - related to sexually exploited and trafficked minors, including provisions that specify that a minor who is a victim of human trafficking may become a dependent of the court under certain circumstances.

"To Enrich Lives Through Effective And Caring Service"

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Pursuit of County Position on Legislation

AB 643 (Stone), which as amended on March 19, 2013, would make various changes to pupil record provisions under State law to conform to Federal law pursuant to **County-supported S. 3472**, Uninterrupted Scholars Act of 2013, which amends the Family Educational Rights and Privacy Act to provide child welfare agencies access to school records of children under their supervision.

Existing State law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order. Access to particular records relevant to the legitimate educational interests of the requester is permitted. For example, school officials and employees of a school district, and a probation officer, district attorney, or counsel of record for a minor can gain access for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

AB 643 would conform State law with Federal law, pursuant to County-supported S. 3472, which was signed into law on January 14, 2013, and permits the release of such records and information without additional notice to parents and students when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters and a court order has already been issued in the context of that proceeding.

According to the Department of Children and Family Services and the Probation Department, AB 643 would help to improve the ability of County staff to monitor and improve the educational progress of children under the County's custody.

The Department of Children and Family Services, the Probation Department, and this office support AB 643. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals that would provide child welfare agencies with access to educational records on children whom they are serving, and the Countywide Youth Self-Sufficiency Initiative which includes improved educational outcomes as one of its four goals to ensure successful transitions to adulthood, **the Sacramento advocates will support AB 643.**

AB 643 is supported by the California Alliance of Child and Family Services, Children's Rights Project at Public Counsel, Legal Advocates for Children and Youth, and National Center for Youth Law. There is no registered opposition on file.

This measure is scheduled for hearing in the Assembly Education Committee on the afternoon of April 17, 2013.

Status of County-Advocacy Legislation

County-supported AB 406 (Torres and Bloom), which as introduced on February 15, 2013, would repeal the January 1, 2014 sunset clause to allow county child abuse Multi-Disciplinary Teams (MDTs) engaged in the investigation of suspected child abuse and neglect to utilize two-person MDTs when disclosing or exchanging information, passed the Assembly Floor by a vote of 75 to 0 on April 11, 2013. This measure now proceeds to the Senate.

Legislation of County Interest

SB 738 (Yee), which as amended on April 1, 2013, would:

- provide that a minor may come within the jurisdiction of the juvenile court and become a dependent child of the court if the minor is a victim of human trafficking, or was paid to perform sexual acts, and no specialized program exists to refer the minor to receive services, or if the minor is involved in prostitution;
- establish a State Plan to Serve and Protect Sexually Exploited and Trafficked Minors, and require, no later than January 30, 2014, for the California Health and Human Services Agency to convene an interagency workgroup to develop the plan in consultation with the California Child Welfare Council. Participants of the workgroup would include the County Welfare Directors Association (CWDA), County Probation Officers, among others;
- require the interagency workgroup to submit the plan to the Legislature, Judicial Council, and the Governor no later than January 30, 2015; and
- require training for administrators of group home facilities, licensed foster parent, and relative or nonrelative extended family member caregiver to include instruction on cultural competency and sensitivity relating to, and best practices, to provide adequate care to a sexually exploited and trafficked minor in out-of-home care; among other provisions.

Existing Law

Current law provides that a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment.

Additionally, existing law requires the California Department of Social Services (CDSS) to license and regulate community care facilities, including foster family agencies and other facilities that provide foster care services for children. Current law further requires CDSS to develop, and an administrator of a group home facility to complete, a certification program that includes training in various areas. Furthermore, under existing law, a foster family agency is required to provide, and a licensed foster parent to complete, prescribed pre-placement training and additional annual training.

Potential County Impact

According to the Department of Children and Family Services (DCFS) and the Probation Department, commercially sexually exploited children are a newly identified population to child welfare agencies. Available data shows that the majority of these children are system involved youth that often have extensive histories with child welfare, dependency, and juvenile justice/delinquency agencies. This very vulnerable population includes new children identified as victims of commercial sexual exploitation by the community, existing children in the care of child welfare and probation agencies that have been recruited into sex trafficking, and cases where there has been an arrest for solicitation and/or a prostitute-related offense.

The Department of Children and Family Services and the Probation Department further indicate that though the delinquency system has the ability to house children in secure settings (locked facilities), due to the extensive trauma and victimization these youth have endured, a juvenile corrections setting is not the best treatment option for them. While child welfare agencies have some ability to house children in locked mental health placements for their protection, this does not often occur with the sexually trafficked youth and the majority of available dependency placements must remain non-secure (open).

SB 738 would require the development of specialized and appropriate treatment services and placements for commercially sexually exploited children that currently do not exist in both the dependency and delinquency systems. According to DCFS and the Probation Department, based on the legal requirements for both dependency and delinquency placements and treatment providers, the costs of specialized therapists and providers who service this population would be more expensive, and the ratio of qualified providers to residents would need to be much lower for treatment to be effective. DCFS indicates that, under SB 738, there would also be a significant need for training of child welfare agency staff, among others, to address the needs of these youth.

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Furthermore, SB 738 would impose a State-mandated local program and the bill does not address how cost reimbursement may be pursued by local agencies and school districts. Based on the review of this measure so far by DCFS, County Counsel and the Auditor-Controller, there are concerns specifically with the mandated studies and programs under SB 738 that are not in existence and would be an unfunded cost.

This office will continue to work with DCFS, County Counsel, Probation Department, Auditor-Controller, in addition to the District Attorney's Office, to further analyze the impact of this measure on the County, and any recommendations to address potential concerns.

SB 738 has been referred to both the Senate Human Services Committee and the Senate Judiciary Committee. The measure is scheduled for hearing in the Senate Human Services Committee on April 23, 2013.

This bill is supported by the Coalition Against Slavery and Trafficking (CAST), International Justice Mission, Junior League of California, and Religious Sisters of Charity. There is no registered opposition at this time.

We will continue to keep you advised.

WTF:RA
MR:OR:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants